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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER BOSS, BROCK N	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/724,943	STONE, CHRISTOPHER J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brock N. Boss	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 1-3, 17-19, and 33** are rejected under 35 U.S.C. 102(e) as being anticipated by Agnihotri et al. (US Publication Number 2002/0184638 A1).

Regarding **claim 1**, Agnihotri discloses a method for providing a multi-device distributed digital video recording system, comprising: broadcasting a request (see Figure 5, element 510) from a requesting digital video recorder (DVR) (see page 3, paragraph 29) to a plurality of networked DVRs (see page 2, paragraph 25) (see also page 3, paragraph 29) seeking resources of a dormant DVR (see pages 2-3, paragraph 37) receiving a response (see page 4, paragraph 43), (see also paragraph 37, in particular “as redundant backups in case a conflict arises after an initial recording task is sent to the second video playback device”) from at least one dormant DVR indicating availability of resources (see paragraph 37, in particular “When available resources are found on a second video playback device, resource sharing controller 370 can transmit a recording task to the second video playback device), (see also paragraph 39); selecting a granting DVR from the dormant DVRs with available resources (see page 4, paragraph 39, in particular “When resource sharing server 130 receives a resource availability request from other remote video playback devices, resource sharing server 130 may use the information stored in VPD data

files 401, 402, and 403 to determine which video playback devices are able to perform the recording task associated with the resource availability request..."); establishing a session between said requesting DVR and said granting DVR (see Figure 5, element 520); providing resources of said granting DVR for use by said requesting DVR (see Figure 5, element 530).

Regarding **claim 2**, Agnihotri et al. discloses everything as claimed above (see claim 1). In addition, Agnihotri et al. discloses the method wherein, said resources include at least one of a tuner (see page 1, paragraph 4), (see page 3, paragraph 33) and a storage device (see page 3, paragraph 36).

Regarding **claim 3**, Agnihotri et al. discloses everything as claimed above (see claim 1). In addition, Agnihotri et al. discloses the method wherein: said resources comprise a tuner of said granting DVR (see page 1, paragraph 4), (see page 2, paragraph 33); and control of said tuner is turned over to said requesting DVR (see page 1, paragraph 6, in particular "If the second video playback device has resources available, the first video playback device is able to send the second video playback device a recording task that causes the second video playback device to record a television program under the *control* of the first video playback device").

Regarding **claim 17**, Agnihotri et al. discloses a multi-device distributed digital video recording system, comprising: a plurality of networked digital video recorders; a requesting digital video recorder (DVR) (see page 3, paragraph 29) capable of broadcasting a request to said plurality of networked DVRs (see page 2, paragraph 25) (see also page 3, paragraph 29) seeking resources of a dormant DVR (see pages 2-3, paragraph 37); at least one dormant DVR capable of providing a response to said requesting DVR indicating availability of resources (see paragraph 37, it particular "When available resources are found on a second video playback device,

resource sharing controller 370 can transmit a recording task to the second video playback device), (see also paragraph 39); wherein: said requesting DVR selects a granting DVR from the dormant DVRs with available resources (see page 4, paragraph 39) a session is established between said requesting DVR and said granting DVR (see Figure 5, element 520); and resources of said granting DVR are made available for use by said requesting DVR (see Figure 5, element 530).

Regarding **claim 18**, Agnihotri et al. discloses everything as claimed above (see claim 17). In addition, Agnihotri et al. discloses the system, wherein said resources include at least one of a tuner (see page 1, paragraph 4), (see page 3, paragraph 33) and a storage device (see page 3, paragraph 36).

Regarding **claim 19**, Agnihotri et al. discloses everything as claimed above (see claim 17). In addition, Agnihotri et al. discloses the system, wherein: said resources comprise a tuner of said granting DVR (see page 1, paragraph 4), (see page 2, paragraph 33); and control of said tuner is turned over to said requesting DVR (see page 1, paragraph 6, in particular “If the second video playback device has resources available, the first video playback device is able to send the second video playback device a recording task that causes the second video playback device to record a television program under the *control* of the first video playback device”).

Regarding **claim 33**, Agnihotri et al. discloses A digital video recorder (DVR) (see page 3, paragraph 29) for use in a multi-device distributed digital video recording system, comprising: at least one tuner (see page 1, paragraph 4), (see page 3, paragraph 33); at least one storage device (see page 3, paragraph 36); a processor enabled for at least one of: (a) broadcasting a request (see Figure 5, element 510) to a plurality of networked DVRs (see page 2, paragraph 25)

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(see also page 3, paragraph 29) seeking resources of a dormant DVR (see pages 2-3, paragraph 37); receiving a response from at least one dormant DVR indicating availability of resources (see paragraph 37, in particular “When available resources are found on a second video playback device, resource sharing controller 370 can transmit a recording task to the second video playback device), (see also paragraph 39); selecting a granting DVR from the dormant DVRs with available resources (see pages 2-3, paragraph 37); establishing a session with said granting DVR (see page 4, paragraph 39, in particular “When resource sharing server 130 receives a resource availability request from other remote video playback devices, resource sharing server 130 may use the information stored in VPD data files 401, 402, and 403 to determine which video playback devices are able to perform the recording task associated with the resource availability request...”); and utilizing resources of said granting DVR; and (b) receiving a broadcast request from a requesting DVR seeking available resources; responding to said requesting DVR regarding availability of resources (see Figure 5, element 520); if resources are available and if selected by said requesting DVR (see Figure 5, element 530), establishing a session with said requesting DVR; and providing resources for use by said requesting DVR (see Figure 5, element 520).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 6-16, 20, and 22-32** are rejected under 35 U.S.C. 103(a) as being anticipated by Agnihotri et al. (Publication Number US 2002/0184638) in view of Marshall et al. (Publication Number US 2003/0237097).

Regarding **claim 4**, Agnihotri et al. discloses everything as claimed above (see claim 1). Agnihotri et al. discloses a requesting DVR sending a recording task to a granting DVR (see page 4, paragraph 41) and each DVR capable of receiving commands to tune to a specific channel (see page 3, paragraph 30). However, Agnihotri et al. does not disclose explicitly requesting that said granting DVR tune to a particular channel and record designated content from said channel; and storing said designated content at said granting DVR for use by said requesting DVR.

In an analogous art, Marshall et al. discloses a granting DVR to tune to a particular channel and record designated content from said channel (see page 2-3, paragraph 16); and storing (see Figure 6, element 608) said designated content at said granting DVR (see page 3, paragraph 30).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention of a requesting DVR requesting resources from a granting DVR to include the ability for the granting DVR to tune to a particular channel which contains the requested content from the requesting DVR, record designated content, and store designated content at the granting DVR that can later be used by the requesting DVR.



Regarding **claim 6**, Agnihotri et al. and Marshall et al. disclose everything as claimed above (see claim 4). In addition, Marshall et al. discloses a method wherein; a fee is charged to the requesting DVR for the designated content (see page 1, paragraphs 12 and 16).

Regarding **claim 7**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Marshall et al. discloses a method further comprising: tagging the recorded designated content as being owned by said requesting DVR (see page 2, paragraph 17).

Regarding **claim 8**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 7). In addition, Marshall et al. discloses a method, further comprising: encrypting the recorded designated content with an encryption key known to said requesting DVR (see page 2, paragraph 17).

Regarding **claim 9**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 8). In addition, Marshall et al. discloses a method, further comprising: making said encrypted recorded designated content available to said granting DVR (see page 2, paragraph 17).

Regarding **claim 10**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 9). In addition Marshall et al. discloses the method; wherein said encrypted designated content is made available to said granting DVR for a fee (see page 2, paragraphs 16 and 17).

Regarding **claim 11** Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al discloses a method, further comprising: requesting access to said stored designated content by said requesting DVR (see page 4,

paragraph 44); and uploading the stored designated content from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 12**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al. discloses a method, further comprising: requesting access to said stored designated content by said requesting DVR (see page 4, paragraph 44); and streaming the stored designated content from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 13**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 12). In addition, Agnihotri et al. discloses a method, further comprising: controlling presentation of said streamed designated content (see page 3, paragraph 34) utilizing a command and control channel (i.e. internet) to send commands from said requesting DVR to said granting DVR (see page 1, paragraph 6).

Regarding **claim 14**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 13). In addition, Agnihotri et al. discloses a method, wherein said commands comprise at least one of play, stop, pause, fast forward, rewind, skip, and jump (see page 3, paragraph 30).

Regarding **claim 15**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al. discloses a method, further comprising: automatically forwarding said stored designated content to a storage device at said requesting DVR (see Figure 5) (see also paragraph 16).

Regarding **claim 16**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al. discloses a method, further comprising: routing

said request for resources through a system operator (see page 3, paragraph 37); wherein multiple requests for identical designated content from multiple requesting DVRs are handled by a single granting DVR (see page 4, paragraph 41).

Regarding **claim 20**, Agnihotri et al. discloses everything as claimed above (see claim 17). In addition, Agnihotri discloses the system wherein advising the requesting DVR that said access is not available (see page 4, paragraph 39). However, Agnihotri et al. does not disclose the method wherein said granting DVR does not have access to the particular channel, and said granting DVR stores said designated content for use by said requesting DVR.

In an analogous art, Marshall et al. discloses a granting DVR to tune to a particular channel and record designated content from said channel (see page 2-3, paragraph 16); and storing (see Figure 6, element 608) said designated content at said granting DVR (see page 3, paragraph 30) for use by said requesting DVR.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention of a requesting DVR requesting resources from a granting DVR to include the ability for the granting DVR to tune to a particular channel which contains the requested content from the requesting DVR, record designated content, and store designated content at the granting DVR that can later be used by the requesting DVR.

Regarding **claim 22**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al discloses the system wherein: a fee is charged to the requesting DVR for the designated content (see page 1, paragraphs 12 and 16).

Regarding **claim 23**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said granting DVR tags the recorded designated content as being owned by said requesting DVR (see page 2, paragraph 17).

Regarding **claim 24**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 23). In addition, Marshall et al. discloses the system, wherein: said granting DVR encrypts the recorded designated content with an encryption key known to said requesting DVR (see page 2, paragraph 17).

Regarding **claim 25**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 24). In addition, Marshall et al. discloses the system, wherein: said encrypted recorded designated content is made available to said granting DVR (see page 2, paragraph 17).

Regarding **claim 26**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 25). In addition, Marshall et al. discloses the system, wherein: said encrypted designated content is made available to said granting DVR for a fee (see page 2, paragraphs 16 and 17).

Regarding **claim 27**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said requesting DVR requests access to said stored designated content (see page 4, paragraph 44); and the stored designated content is uploaded from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 28**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said requesting

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DVR requests access to said stored designated content (see page 4, paragraph 44); and the stored designated content is streamed from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 29**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 28). In addition, Marshall et al. discloses the system, wherein: said requesting DVR controls presentation of said streamed designated content (see page 3, paragraph 34) utilizing a command and control channel (i.e. internet) to send commands to said granting DVR (see page 1, paragraph 6).

Regarding **claim 30**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 29). In addition, Marshall et al. discloses the system, wherein: said commands comprise at least one of play, stop, pause, fast forward, rewind, skip, and jump (see page 3, paragraph 30).

Regarding **claim 31**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said granting DVR automatically forwards said stored designated content to a storage device at said requesting DVR (see Figure 5) (see also paragraph 16).

Regarding **claim 32**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said request for resources is routed through a system operator; and multiple requests for identical designated content from multiple requesting DVRs are handled by a single granting DVR (see page 4, paragraph 41).

5. **Claims 5 and 21** is rejected under 35 U.S.C. 103(a) as being anticipated by Agnihotri et al. (Publication Number US 2002/0184638) in view of Marshall et al. (Publication Number US 2003/0237097) and in view of Breslauer et al. (US Patent Number 6,637,027 B1).

Regarding **claim 5**, Agnihotri et al. and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnhotri discloses the method wherein advising the requesting DVR that said access is not available (see page 4, paragraph 39). However, neither Agnihotri et al. nor Marshall et al. disclose the method wherein said granting DVR does not have access to the particular channel, further comprising: advising the requesting DVR that said access is not available; requesting access to the particular channel by the requesting DVR on behalf of the granting DVR.

In an analogous art, Breslauer discloses a method wherein said granting DVR (i.e. set-top box with record feature) does not have access to the particular channel; further comprising: advising a DVR that said access is not available (see column 9, lines 57-63); requesting access to the particular channel (see column 8, lines 20-28)

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention in view of Marshall et al. invention to notify the said requesting DVR if the granting DVR does not have access, and allowing a request for access to a particular channel on behalf of the granting DVR, because it is a common technique to deny a DVR or set-top box access to on-demand channels and by allowing the granting DVR access to the requested channel, the DVR perform the predictable result acting as a hub or intermediate storage device for the requesting DVR. It is well known in

the art that applying a technique of peer-to-peer sharing with an intermediate storage provided by a peer could be applied to various sorts of networks, in particular, a cable network.

Regarding **claim 21**, Angihotri et al. and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Agnihotri discloses the system wherein advising the requesting DVR that said access is not available (see page 4, paragraph 39). However, neither Agnihotri et al. nor Marshall et al. disclose the method wherein said granting DVR does not have access to the particular channel, further comprising: advising the requesting DVR that said access is not available; requesting access to the particular channel by the requesting DVR on behalf of the granting DVR.

In an analogous art, Breslauer discloses a system wherein said granting DVR (i.e. set-top box with record feature) does not have access to the particular channel; further comprising: advising a DVR that said access is not available (see column 9, lines 57-63); requesting access to the particular channel (see column 8, lines 20-28)

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention in view of Marshall et al.'s invention to notify the said requesting DVR if the granting DVR does not have access, and allowing a request for access to a particular channel on behalf of the granting DVR, because it is a common technique to deny a DVR or set-top box access to on-demand channels and by allowing the granting DVR access to the requested channel, the DVR perform the predictable result acting as a hub or intermediate storage device for the requesting DVR. It is well known in the art that applying a technique of peer-to-peer sharing with an intermediate storage provided by a peer could be applied to various sorts of networks, in particular, a cable network.


**CONCLUSION**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brock N. Boss whose telephone number is (571) 270-1660. The examiner can normally be reached on Monday-Thursday 9:30-7:30 Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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